

## PLANNING BOARD MEETING

TIPP CITY, MIAMI COUNTY, OHIO      October 13, 2009

### Meeting

Chairman Mike McFarland called this meeting of the Tipp City Planning Board to order at 7:30 p.m.

### Roll Call

Roll call showed the following Board members present: Mike McFarland, John Berbach, Joseph Gibson, and Mark Springer.

Others in attendance: City Manager Jon Crusey, Assistant City Manager Brad Vath and Board Secretary Marilyn Fennell. Those signing the register were Wes Goubeaux, Paul Lee, Joe Bagi, Jaydee Blair, Don Ochs, and John Kronour. Reporter Nancy Bowman was also in attendance.

### Approval of Minutes

September 8, 2009 Meeting

Mr. Springer **moved to approve the minutes of the September 8, 2009 meeting as presented.** Mr. Berbach seconded the motion. Motion passed 4-0

### Items not on the Agenda

Mr. Paul Lee expressed a complaint against Greg Arnett, 27 W. Franklin St. He asked when the fence was going to put up and had complaints of vehicles, motor homes, boats, and pop machine on the sidewalk. It appeared that work was being done outside the building. He asked when there might be some action on the matter. Mr. Vath said now that we have received a formal complaint there can be a follow-up with Mr. Arnett on those issues. Mr. Vath said Mr. Lee was correct, the fence was to be installed between the parking lot and the neighboring property and there are certainly items parked on that lot. Mr. Vath said he would be out of town the next two days but he said he would speak to Mr. Arnett on Friday regarding a timeline on the fence installation and making sure he complies with the other provisions as approved by the Planning Board. Mr. McFarland asked for notification on the findings for Mr. Lee. Mr. Vath said he would do so and also advise Planning Board. Mr. Lee said that was fine but did it need a complaint from a citizen. Mr. Springer asked if the Zoning Administrator followed up on a routine basis on those special conditions that are included in approvals by the Planning Board. Mr. Vath said in most cases it occurs because there is some sort of construction involved and it includes certain inspections. This particular case was a change of use with the addition of a fence. Mr. Vath said he will need to check with the Zoning Administrator to see if he does verify that all conditions are completed and he felt most of them are completed as required. Mr. Springer asked if in December there could be a follow-up for those applications granted to see that all is in order. Mr. Vath said he didn't think that would be a problem. Mr. Lee asked if the boat storage is allowed. Mr. Vath said in the Industrial district, the exterior storage is legal. Mr. Lee thought Mr. Arnett had stated that any items setting there would be items he was working on with the work to be done on the inside. Mr. Vath said he will review the records on the special use granting and the discussions that took place. Mr. Berbach said he had observed the situation this summer at the location and was disappointed in what he observed. Mr. Vath said he would take a look at it and make a report to the Planning Board.

**NEW BUSINESS**  
Deadline Dates

Broadway  
Elementary School,  
223 W. Broadway,  
IL 329-361-Site  
Plan  
Review/Modification  
of Special Use

Chairman McFarland announced that the next regularly scheduled Planning Board meeting would be held Tuesday, November 10, 2009. Preliminary Plans, Final Plats and Site Plans must be submitted by 5:00 p.m. on October 19, 2009.

Mr. Vath stated Dr. Kronour was present representing the school district. The applicant, Broadway Elementary School, is requesting approval to install two areas of fencing at the school located at 223 W. Broadway. The school is located within the R-2 zoning district and is a Special Use. The first area of fencing is to be located on the north side of the school building and will run north/south between the existing playground adjacent to Dow Street and the protruding corner of the building. The fencing would be 9-gauge chain link, 6' tall and approximately 152 linear feet in length. The second area of fencing will be located at the southwest corner of the school building adjacent to Broadway Avenue. The proposed fencing would be 9-gauge chain link, 4' tall and approximately 40 linear feet in length. Attachment "E" showed the two areas. Mr. Vath said staff recommended Planning Board approval of the fence addition.

Mr. Springer said he assumed the fencing was for safety. Dr. John Kronour said it was to help keep the balls in the playground area and for safety as well. Mr. Springer asked if this fencing was permitted in this R-2 district. Mr. Vath replied that for this specific use, it was acceptable by code. Mr. Berbach asked for a timetable. Dr. Kronour said they had the installer ready to install the fence. Mr. McFarland asked for any further questions or comments. There were none.

Mr. Berbach **moved to approve the site plan for Broadway Elementary School, 223 W. Broadway as described in the staff report.** Mr. McFarland seconded the motion. Motion passed 4-0.

Blair Group Land  
Co., LLC, 375 E.  
Evanston Rd., Pt IL  
4061- Pre-  
Application Sketch,  
Preliminary Plat, &  
Final Plat

Mr. Vath said the applicant, Jaydee Blair, was requesting approval for the subdivision of the property located at 375 E. Evanston Road. The proposed subdivision would divide the existing  $\pm 57.8257$  acre parcel into two lots of record and dedicate the required additional 5' of right-of-way on Evanston Road (total of 70' ROW-35' required on the north side). The two lots would be 43.972 acres and 12.384 acres with the right-of-way on Evanston being 0.029 acres. Mr. Vath added that due to the required dedication of right-of-way the proposed subdivision requires Planning Board approval of a Pre-Application Sketch, Preliminary Plan and Final Plan.

Mr. Vath continued the City's Thoroughfare Plan, Code §155.074(A), requires conformity. The construction requirements of the Thoroughfare Plan, Code §155.107(D) states that the subdivider shall be responsible for all required improvements and that information was included in the staff report. He said that the Thoroughfare Plan states that there be a 70' right-of-way along Evanston Road and a 60' right-of-way (Kinna Drive) northerly from Evanston Road. The current northern half of Evanston Road provides 30' of right-of-way; therefore the applicant is required to dedicate the additional 5' of right-of-way for the northern half of Evanston Road. Kinna Drive shall be a "Minor Collector" of 60' width. Staff noted that the applicant proposes to designate the 60' required width as an easement of record, rather than dedicating and constructing this section of Kinna Drive at this time.

Mr. Vath continued the applicant will not construct the required Kinna Drive extension as part of this subdivision. Staff is requiring the dedication of a 60' easement running from Evanston Road to the northern property line of the subdivision and connecting to the existing platted 60' right-of-way of Kinna Drive within Northgate Commerce Center. Additionally the subdivision indicates the required (future) 50' setback on both sides of this easement in anticipation of the future construction of Kinna Drive by the property owner. This demarks the front yard building setback associated with the frontage along Kinna Drive in this I-1 Light Industrial Zoning District.

Mr. Vath pointed out that there is an existing cell tower on the 12.374 acre lot. The configuration of this lot was specifically sized to comply with Code §156.015 due to the height of the tower and the fall zone requirement. The subdivision contains a plat note that any additions to the cell tower that increase the height of the tower shall be prohibited.

The demolition of the barn structure is planned due to a portion of the barn lying within the easement of the proposed Kinna Drive. As far as the lot configuration and required frontage, the 60' along Evanston Road does not meet the 100' minimum as denoted in Code §154.053(C). Staff notes that adequate frontage will be provided if/when Kinna Drive is ever constructed, as the 60' strip/easement becomes the future platted Kina Drive right-of-way.

Mr. Vath noted that the Planning Board has the prerogative to modify the requirements of the Subdivision Regulations (Chapter 155). The specific provisions were listed in the staff report. Staff noted that any modification granted by the Planning Board in their approval of the proposed subdivision should be justified in accordance with Code §155.132. The following two modifications need to be considered:

1. A modification of 40' to the required frontage of 100' frontage required by Code §154.053(C) for the 43.972 acre lot. If approved, said lot would initially have a frontage of 60'.
2. A modification to the thoroughfare platting requirements noted Code §155.074(A), which requires the platting of Kinna Drive northerly from Evanston Road to the northern property line of the proposed subdivision.

Mr. Vath noted that the City of Tipp City would not recommend the platting and dedication of Kinna Drive right-of-way without a corresponding construction agreement and associated surety from the applicant guaranteeing the actual construction of Kinna Drive.

3. A modification to the thoroughfare construction requirements noted in Code §155.107(D) which requires the construction of the public improvements of the northern half of Evanston Road along the southern frontage of the proposed subdivision.

Staff noted that the Planning Board has previously granted a waiver for the construction of public improvements on Evanston Road to Tom Sylvester at 425 Evanston Road. Similar fact patterns exist with both applications.

4. A second modification to the thoroughfare construction requirements noted in Code §155.107(D) which requires the

construction of Kinna Drive northerly from Evanston Road to the northern property line of the proposed subdivision.

Mr. Vath noted that this modification will be moot and unnecessary if the Planning Board does not require the platting of Kinna Drive northerly from Evanston Road to the northern property line of the proposed subdivision as noted in #2 above.

Mr. Vath said there was a proposed motion in the staff report with three modifications listed for the Planning Board to consider for action. He also stated that after the meeting the applicant will be provided with the original mylar for the proposed which needs to be executed by himself, Julia Peiser, and Fifth Third Bank prior to the item being moved forward to City Council for action and potential approval. He ended his report with the acknowledgment of Wes Goubeaux of Choice One Engineering and the applicant, Mr. Blair being present to answer any further questions from the Board.

Mr. Berbach asked for further explanation of the drawing. Mr. Blair said there is a party interested in purchasing the 43 acres parcel. The 12-acre parcel has the creek and the property drops off to that area which makes it difficult for industrial development. Mr. Blair explained the lean-to attached to the barn is what is going to be removed. Mr. Berbach asked Mr. Blair if he could live with the requirements regarding a construction agreement and surety. Mr. Blair said the easement is in lieu of those requirements. Mr. Vath said the future property owner will be liable for installing Kinna Drive.

Mr. McFarland said it was similar to Precision Strip adding the north parking lot, waiving the extension of Donn Davis Way and at some future point the owner to the north will be responsible for that extension. Mr. Vath said he was not sure if that was dedicated as right-of-way or an easement. Mr. Springer said the property is basically L-shaped. The upper portion to the west will have an easement running thru it, (the future Kinna Drive). The easement that runs alongside the Borchers property is part of the new 43.972 acre parcel. There would be a 50' setback on the remaining 12.374 acre parcel. Mr. Springer asked how far south Kinna Drive extended. Mr. Vath thought it went to the northern-most property line of Mr. Blair's property. Mr. Blair believed the development would occur from the north to the south. Mr. Blair added the need for the 12 acres is for the cell tower and its fall zone.

Mr. McFarland asked for further questions or comments. He asked if there needed to be three motions for passage or can it be done in one. Mr. Vath said it was Planning Board's preference.

Mr. McFarland moved to approve the Pre-Application Sketch, the Preliminary Plat and the Final Plat for Pt. Inlot 4061, 375 E. Evanston Road per the three modifications listed in the staff report:

1. A modification of 40' to the required frontage of 100' frontage required by Code §154.053(C) for the 43.972 acre lot.
2. A modification to the thoroughfare platting requirements noted Code §155.074(A), which requires the platting of

**Kinna Drive northerly from Evanston Road to the northern property line of the proposed subdivision.**

- 3. A modification to the thoroughfare construction requirements noted Code §155.107(D), which requires the construction of the public improvements of the northern half of Evanston Road along the southern frontage of the proposed subdivision.**

Mr. Berbach seconded the motion. Motion passed 4-0.

Mr. Vath said the pre-application sketch, preliminary plat, and final plat are all one document and not three separate documents.

The Five-Year Capital Improvement Plan was presented to Planning Board for their recommendation to City Council by City Manager Jon Crusey. He was presenting the Capital Improvement Plan and the Five-Year Fund Projections for each of the major funds. Staff has taken a long term look at the estimated resources, our projected expenditures, both capital and operating, and has a good idea of what impact that has on our fund balances. Looking at the General Fund Analysis, the City has projected out 2% growth in income tax collection and over the 5 year period, about a 4.5% increase in other income and our operating expenditures are estimated to increase 3% annually. The City looked at raising additional revenue. A 1% increase in income tax will only raise \$100,000. If we can reduce expenditures 1% annually over the 5 years, we will save \$1,000,000. He said keeping our expenditures down will have a greater impact on our budget. As this plan is reviewed, the Board will see that the only Fund in good shape is the Electric Fund. The cool, damp summer did not bring much revenue in to the Water Fund.

Mr. Springer asked if the scheduled water/sewer rate increases were included. Mr. Crusey said those had all expired. The numbers for the Water/Sewer funds do not include any rate increases.

Mr. Crusey continued with the Capital Reserve Fund which is funded by 0.2% of the base 1% income tax. This fund accounts for the income tax resources earmarked for capital improvements used for general improvements of all City facilities and operations. The City does not anticipate any transfers from the General Fund to the Capital Fund until 2014. There is about \$600,000 over the five years coming in from the dedicated 0.2% to the Capital Improvement Reserve Fund. There should be grants totaling \$840,000 from ODOT and OPWC, a transfer from the Street Fund (\$90,000 in 2010-12) and then that is reduced to \$60,000 annually in 2013-14 to assist with the existing debt payments for street related expenditures. Our debt principal interest for our existing projects, Donn Davis Way, CR25A, and bonds for the police station takes up about \$360,000. Debt, principal and interest take up about 60% of the income tax collections that are coming into this fund. There is not a whole lot of money in the Capital Improvement Reserve Fund when you talk about repaving streets, or rebuilding streets. There is not much money to replace equipment that is needed. There are 2 medics that need to be replaced, the police cruisers, and the necessary IT upgrades. There is a StreetScape project scheduled for 2010 for the intersections of Tippecanoe, Garber and 571 and Hyatt Street. The funds are coming from grants and the Electric Fund. The I-75 southbound ramp project, Exit 69, (total cost \$4,000,000) will be



funded with grants from ODOT, MVRPC and the City's Electric Fund.

Mr. Berbach said it is difficult to explain to the general public why there isn't money to pave their own streets when they see these larger projects being done. Mr. Crusey agreed and these grants are only available for the major thoroughfares, not the local roadways. This is an issue that will need to be explained further in the upcoming town hall meeting. Mr. Springer said it is a marketing issue. Mr. Crusey hopes that at the upcoming town hall meeting, the City will be able to show how certain projects were funded, how we were able to do it and had we not done that project we couldn't have done this other project anyway. Mr. Springer asked about some grant money that had to be returned. Mr. Crusey said last year \$600,000 for 2013, and another \$313,000 for 2014 for Streetscape for downtown was returned, as our matching was about \$1.2 Million and we did not have the funds.

Mr. McFarland recommended that the information project signs be used for these upcoming projects, referring to the sign used for the N. Hyatt Street project. Mr. Crusey said that was the plan; there were signs for the Kinna Drive project, the upcoming traffic signal-interconnect project and other major projects. Mr. Berbach said another problem is the lack of a local newspaper.

Mr. Crusey continued that over the next 5 years, there are no street resurfacing projects planned. Even to spend \$200,000 a year that would be \$1,000,000 in the next 5 years. Asphalt prices are increasing and \$200,000 would not go far at all. There are some vehicle replacements needed for the Street Department as listed in the Plan.

Mr. Springer asked where the money is going from the sale of land from Kyle Park. Mr. Crusey said that was the sale of an easement, not land, and it has been discussed by Council to target the money to capital projects. But until the deal is closed, that has not been finalized. Mr. Springer asked if there were any similar opportunities available. Mr. Crusey said those are "stimulus" funds and so it is unknown if there is going to be another round of such funds. Mr. Berbach asked if the City had received any of the "stimulus" funds. Mr. Crusey said the recent Evanston Road repaving was a stimulus project, total cost \$200,000. Mr. Vath added that there were about 15-20 applications submitted for those stimulus funds and only two came in.

Mr. McFarland asked about the 10-12 year old vehicles that have low mileage on them that are listed for replacement. Mr. Crusey answered that these vehicles will be reviewed each year but some of them are the salt/plow trucks and they get a lot of wear and tear. Hauling salt is very corrosive and plowing is very hard on the vehicles. Mr. Gibson thought there was some formula for figuring in idle time for vehicles also. Mr. Crusey agreed with that and the hour meter counts are also available. Mr. McFarland asked if the surplus ambulance could be used by another department as he has seen in Vandalia. Mr. Crusey said that might be a possibility but there has not been a need expressed by any of the other departments for that use such as transporting materials. Mr. Crusey said he has seen that done before in other cities. Mr. Vath said police cruisers have been recycled several

times for meter readers and the zoning administrator.

Mr. Crusey continued with the Parks Capital Improvement Fund which is funded by a 0.25% dedicated income tax levy, transfers from the General Fund and grants. That tax expires December 31, 2012, but will still be collected thru the 1<sup>st</sup> quarter of 2013. This fund accounts for the income tax resources earmarked for capital improvements for general improvements of park related facilities and operations. The debt principal and interest payments for pool and the ball field quads consume over 99% of the 0.25% dedicated income tax levy in the years 2010-2012. Mr. McFarland asked if there was thought of asking for a renewal of that tax. Mr. Crusey said the debt will be done in 2013. There are bigger priorities on the Capital side than another 5-10 years for the parks. Mr. McFarland asked about a 0.25% for Capital Improvements, which the citizens are already used to paying. Mr. Crusey said that has been thought of as an option. Most of the capital expenditures for the Parks are related to the aquatic center; pump and motor repairs, pool bottom painting, new sewer, additional security cameras, and other IT expenses.

Mr. Crusey moved onto the Electric Fund. This fund is primarily funded by user fee revenues. The debt service averages less than 3% of the total expenditures from 2010-2014. Some of the projects/equipment listed are major repairs to the Woodlawn Subdivision for next year, Streetscape project, the Utility Service Center is now in 2013 and it will be an Electric Service Center. The water and sewer departments will remain with the street department at the Park Avenue Service Center. The Downtown Traffic Signals (which are very antiquated and can be integrated into our new traffic control system), Substation #4 and Alternate Feed, and Wind Farm are all projects being anticipated in this 5-year plan.

The Water Improvement Reserve Fund is funded primarily by user fee revenues. The debt is less than 10% of the annual expenditures. Other projects are the Bowman Avenue Water Tank replacement in 2010 and a water line replacement for Judith, Michael, and Earl Ct. for 2013. Mr. Springer asked about the expenses involved in the new tower. Mr. Crusey said the \$1,440,000 is for taking down the old tank, building a new tank, renovating the existing one, and all the engineering and land cost. Some of the other anticipated projects include the replacement of Hartman Avenue water line in 2010, replacement of water line on Judith, Michael, and Earl Ct. in 2013, and replacement of the downtown water lines (along with sewer lines) in 2012. Mr. Springer asked what was considered downtown. Mr. Vath said from the Miami-Erie Canal to the railroad tracks. There may be some OPWC funds available for these upgrades.

Mr. Crusey moved into the Sewer Fund. The debt principal and interest is less than 5.5% of the proposed expenditures from 2010-2014. Some of the main projects for this department are the Main Street Lift Station Upgrade (2010), replacement of downtown sewer lines, and the replacement of sewer line along Judith, Michael, and Earl Ct. (2013).

Mr. Crusey concluded that the Capital Improvement Fund was designed to meet those needs within the budget constraints brought

forth by the current economic conditions. The unfunded projects were listed on page 17 and that list is growing every day. He asked the Board if they had further questions. Mr. Springer said there are some unfunded projects that have been on there forever, like Dow Street. Mr. Crusey said there are no grants available for the local roads. Council will need to decide what their priorities are when the City closes on the Kyle Park easement deal.

Mr. McFarland asked for Board member comments. Mr. Gibson said he was a candidate for City Council and he felt it was appropriate that he abstain from any vote on this matter. Mr. Springer said all of his questions were answered. Mr. McFarland said he has been on the Board for a number of years and each October this plan is presented. He said the future looks gloomy but he felt the City will persevere and make it through this. Mr. McFarland **moved to recommend the 5-Year (2010-2014) Capital Improvement Plan to City Council for approval.** Mr. Springer seconded the motion. Motion passed 3-0-1. Ayes: McFarland, Springer, and Berbach. Abstain: Gibson.

#### Old Business

There was no Old Business to discuss.

#### Miscellaneous

City Council  
Reports:  
Sept. 21, 2009- Mr.  
Berbach

Mr. Berbach reported on the September 21<sup>st</sup> meeting. All Board members had attended. The main discussion was on the budget and income tax credit decrease. There was also a first reading for the ordinance to rezone 425 W. Kerr Road from R-1 to OS.

Oct. 5, 2009- Mr.  
Springer

Mr. Springer reported there was the second reading and approval of the previously mentioned rezoning. There was also a first reading for legislation to purchase the new water tower lot on Success Drive.

November Council  
meeting  
assignments

Mr. McFarland asked for volunteers for the November Council meetings. Mr. Gibson will take November 2 and Mr. Berbach volunteered for the November 16 meeting. City Council's meeting on the Capital Improvement Plan meeting is October 26 and Mr. McFarland will attend and he reminded members they are also welcome to attend.

Board member  
comments

Mr. McFarland asked for Board member comments. Mr. Springer said he was going to bring up the matter regarding the Arnett property on Fourth Street and Mr. Lee had already brought that matter to light. He would like to see a year-end review of those special uses granted. He also recommended some charts for the Public Meeting on November 10 to show how money comes in and how it goes out. Mr. Crusey said the location is the Zion Lutheran Church, November 10<sup>th</sup> at 7:00pm. Mr. Springer asked about the deferment of the decision on the income tax credit reduction. Mr. Crusey said that has been deferred twice and is set for the December 21, 2009 Council agenda.

Mr. Berbach asked if there was any progress in replacing Mr. Horrocks position on the Board. Mr. Vath said applications were still being accepted. Council will review those and make their decision.

Mr. Gibson asked about Sam & Ethel's Restaurant. There appears to be two such restaurants. Mr. Vath said there are two restaurants using the name. Mr. Gibson verified the different meeting



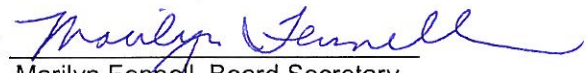
dates again with Mr. Crusey.

Mr. McFarland had one more comment to make regarding the CIP. He said his first meeting which involved that Plan, had 6 items on the unfunded list and today there are approximately 45 unfunded. That is a reflection on what has happened in the last ten years. The new aerial truck for the fire department has been on there from the beginning. He thanked Mr. Crusey and Mr. Drennen for their diligence in assembling this Plan.

#### Adjournment

Mr. Springer **moved that the meeting be adjourned.** Mr. Gibson seconded the motion. Chairman McFarland declared the meeting adjourned at 8:53 pm.

  
Michael McFarland, Planning Board Chairman

Attest:   
Marilyn Fennell, Board Secretary